

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

JESSE RAY KINSEY, DENNIE KINSEY
and BONNIE KINSEY
Plaintiffs, Defendants-In-Interpleader

VS.

AMERICAN UNDERWRITERS LIFE
INSURANCE COMPANY and TRUSTEES,
AMERICAN UNDERWRITERS LIFE
INSURANCE COMPANY TRUST
Defendants, Plaintiffs-In-Interpleader

VS.

THE HEALTH CARE FINANCING
ADMINISTRATION AND THE UNITED
STATES DEPT. OF HEALTH AND
HUMAN SERVICES
Defendants-In-Interpleader

THE STATE OF LOUISIANA,
DEPT. OF HEALTH AND HOSPITALS
Defendant-In-Interpleader

JUDGMENT

This matter was referred to United States Magistrate Judge Mildred E. Methvin for her Report and Recommendation. After an independent review of the record and the applicable jurisprudence, and considering the objections filed, this Court concludes that the Findings and Recommendation of the magistrate judge are correct and this Court adopts the conclusions set forth therein [Rec. Doc. 162]. Accordingly, **IT IS**

ORDERED that the motion for discharge and dismissal [Rec. Doc. 156] filed by plaintiffs-in-interpleader American Underwriters Life Ins. Co. and Trustees, American Underwriters Life Ins. Co. Trust, is **GRANTED**.

IT IS FURTHER ORDERED that AUL and Trustees be and are hereby discharged

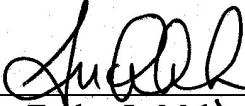
from any and all liability in this cause and from any and all liability to all parties to this cause of action for any claims which the defendants-in-interpleader may have as against AUL and Trustees for the funds at issue in this interpleader action, as a result of the tender which AUL and Trustees have made into the registry of this court, and that this court retains jurisdiction of this cause for the determination of the rights of the respective defendants-in-interpleader in and to the funds on deposit in the registry of the court.

IT IS FURTHER ORDERED that the defendants-in-interpleader, the Kinseys, the United States and the State of Louisiana, be and each of them hereby is, restrained from instituting any action or proceeding in any other federal or state court to recover the funds at issue and deposited into the registry of the court.

IT IS FURTHER ORDERED that the monies deposited into the registry of the court by AUL and Trustees shall remain in the registry of this court pending the outcome of this action as among and between the defendants- in-interpleader.

IT IS FURTHER ORDERED that AUL and Trustees be and they are hereby dismissed **WITH PREJUDICE** from this interpleader action.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 17th day of July, 2008.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE